



LCR 40(b)(19). Requests to Restrict Abusive Litigation

For “Respective Chief Judge” see LGR 29(h).

(a) Notice of Trial--Note of Issue.

(1) Assignment of case to Judge. The clerk at filing will issue for all civil cases, except those noted in LCR 4(b), a trial date and a case schedule, and will assign the case to a judge. A Notice of Trial, as provided in CR 40(a), shall not be filed in any civil case.

(b) Where motions and proceedings to be noted. See LCR 7(b)(2) with respect to calendar locations and times. All motions and other proceedings in a civil case, shall be brought before the assigned judge, in accordance with LCR 7, or if no assigned judge to the Ex Parte and Probate Department in accordance with LCR 40.1, except as follows:

(1)..

(17) Interpleader Actions. See LCR 22.

(18) Administrative Law Review Actions...

(19) Requests to Restrict Abusive Litigation. See RCW 26.51 et seq.

(A) When a request to restrict abusive litigation is made in a proceeding before a judge, that judge shall decide the issue and shall set the hearing required by RCW 26.51.040(2) on their own calendar. When a request is made in a proceeding before a commissioner or pro tem judge, the commissioner or pro tem may make the threshold determinations as to whether the parties have a current or former intimate partner relationship and whether there has previously been a finding of domestic violence, but shall refer determination of the ultimate issue to the assigned judge if there is a pending case, or to the Respective Chief Judge if there is no pending case or if there is no assigned judge.

(B) When a separate motion to restrict abusive litigation is filed pursuant to RCW 26.51.030(1)(c), and the underlying order for protection was obtained in this county, the motion shall be filed under the protection order cause number.

(C) When an order restricting abusive litigation has been entered, and the restricted party seeks permission to file a new case or motion pursuant to RCW 26.51.070, the restricted party shall file the request in the case in which the order restricting abusive litigation was entered, and shall provide a working copy of the request to the judge who signed the order. If the judge who signed the order is no longer on the bench, the working copy of the request shall be provided to the Respective Chief Judge.